



PLANNING COMMISSION SYNOPSIS

Wednesday, March 9, 2005

4:45 PM STUDY SESSION

Room 400

Discussion of General Plan Amendments/development projects

**6:00 p.m. General Plan & Regular Meeting
Council Chambers, Room 205, City Hall**

**801 North First Street
San Jose, California**

**Bob Levy, Chair
Bob Dhillon, Vice-Chair**

**Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito**

**Stephen M. Haase, Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **March 9, 2005**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

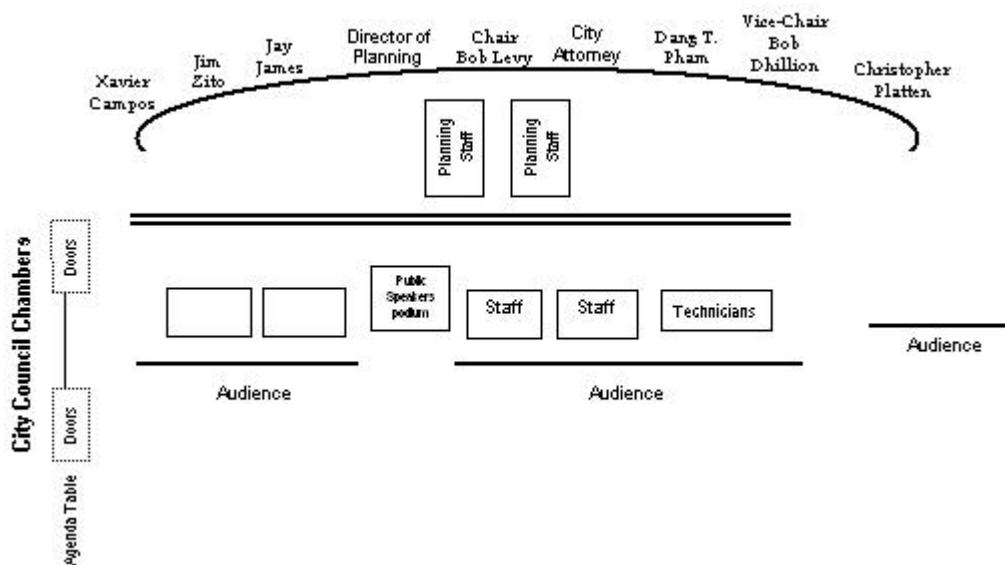
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, JAMES LEFT AFTER ITEM 4. a.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **GP04-04-08: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Industrial Park with a Mixed Industrial Overlay to Combined Industrial/Commercial for property located at the south side of Murphy Avenue, approximately 550 feet easterly of the intersection of Murphy Avenue and Oakland Road (1172, 1180, and 1188 Murphy Avenue) on a 4.01-acre site. (Anthony Ho, Applicant/Bob Dhillon, Owner). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration Pending.

DEFERRED TO 3-23-05 (7-0)

- b. The items being considered are located at the northwest corner of the intersection of Story Road and McLaughlin Avenue (1145 Story Road) on a 0.88-acre site. (Kim Nguyen, Owner/Miro Design Group, Applicant). Council District: 7. SNI: None. CEQA: Mitigated Negative Declaration Pending.

1. **GP04-07-02: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial.

DEFERRED TO 3-23-05 (7-0)

2. **C05-007. Conventional Rezoning** from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District to allow commercial/retail uses.

DEFERRED TO 3-23-05 (7-0)

- c. **GP03-07-06: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 dwelling units per acre) for the property located on the northwesterly side of Lewis Road (265 Lewis Road) approximately 210 feet southwesterly of Garden Avenue on a 5.66-acre site. (Alfred and Carolyn Ferrari, Owners/Core Development Inc., Applicant). Council District: 7. SNI: None. CEQA: Mitigated Negative Declaration Pending.

DEFERRED TO 3-23-05 (7-0)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **PDC04-062**. Planned Development Rezoning from R-M Multi-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five (5) single-family detached /attached residences on a 0.46 gross acre site, located at the southeast terminus of Duckett Way (1584 DUCKETT WY) (Shwe Richard And Alma, Owner). Council District 1. SNI: None. CEQA: Addendum to Negative Declaration (file no. H86-09-162).

RECOMMEND APPROVAL (7-0)

- b. **CP04-099**. Conditional Use Permit to allow construction of a new 9,509 square foot building with underground and at grade parking for commercial/personal service uses on a 0.26 acres site in the CP-Pedestrian Commercial Zoning District, located on east side of Lincoln Avenue approximately 300 feet north of Broadway Street. (1030 LINCOLN AV) (Maciel Gloria, Owner). Council District 6. SNI: None. CEQA: Exempt.

APPROVED (7-0)

STAFF CLARIFIED ALLOWED HEIGHT TO BE INCREASED BY 1 ½ FEET TO ACCOMMODATE AN ELEVATOR SHAFT.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. An Ordinance amending Chapter 20.100 of Title 20 of the San Jose Municipal Code to 1) provide for a Single Family House permit exception for City Landmark and Historic District houses that require Historic Preservation Permits, and 2) provide for a more streamlined process for Single Family House Permits for homes listed in the Historic Resources Inventory with a Floor Area Ratio equal to or less than forty five hundredths (0.45). CEQA: Exempt, PP05-002. Deferred from 2-23-05.

RECOMMEND APPROVAL (7-0)

- b. PDC04-069. Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 220 attached single-family residences and a new public park on a 10.1 gross acre site, located at/on the northeast corner of Newhall Street and Campbell Avenue (1120 CAMPBELL AV) (Gahrahmat Family Limitdptnshp, Owner). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (6-1-0; JAMES ABSENT)

PUBLIC TESTIMONY IDENTIFIED PARKING ON CAMPBELL AVENUE AS A CONCERN IN THE FUTURE, AS THE PARKING ON ONE SIDE WAS APPARENTLY BEING REMOVED. STAFF CLARIFIED STREET RIGHT-OF-WAY (ROW) PROPOSED IS 40 FEET, FOR A MORE RESIDENTIAL FEEL, WITH TWO 12-FOOT TRAVEL LANES AND AN 8-FOOT PARKING LANE ON EACH SIDE. COMMISSIONER JAMES INDICATED HE HAD NOT NOTICED A PARKING PROBLEM IN HIS VISIT TO THE SITE. ANOTHER AREA RESIDENT EXPRESSED CONCERN REGARDING THE CHANGE TO RESIDENTIAL IN THIS INDUSTRIAL AREA AND COMMISSIONER LEVY CLARIFIED THE CITY COUNCIL APPROVED THE LAND USE CHANGE WITH THE APPROVAL OF THE GENERAL PLAN AMENDMENT. ONE NEIGHBORHOOD RESIDENT PROPOSED AN ALTERNATE SITE PLAN, MOVING THE PARKING CUL-DE-SAC PROPOSED NEAR THE PARK TO THE EDGE NEAR THE RAILROAD ROW. THE APPLICANT CLARIFIED THAT THE PARKING CUL-DE-SAC WAS LOCATED PROXIMATE TO THE PARK TO HELP DEFINE THE EDGE OF THE PUBLIC SPACE, AND TO PROVIDE A MORE CENTRALLY-LOCATED PARKING AREA, AND FURTHER NOTED THAT A THROUGH-STREET HAD BEEN A CONCERN TO THE COMMUNITY AND THIS COMPROMISE ALIGNMENT DEVELOPED. COMMISSIONER ZITO REQUESTED CLARIFICATION ON DECREASE IN REQUESTED PASEO WIDTH. STAFF INDICATED CHANGE WOULD BE TO DEFINE A LARGER PORTION OF GREEN SPACE AS PRIVATE OPEN SPACE, BUT ONLY 3-FOOT FENCES COULD BE USED SO VISUAL ACCESS TO WIDE PASEO WOULD BE MAINTAINED. COMMISSIONER LEVY ASKED IF APPLICANT WAS CONCERNED THAT CAMPBELL AVENUE DOES NOT "GO THROUGH" TO NEWHALL, AND APPLICANT EXPLAINED ADDITIONAL ANALYSIS PERFORMED TO ACCOUNT FOR FUTURE RESIDENTIAL CONVERSION HAD

SHOWN TRAFFIC LEVEL OF SERVICE WOULD STAY ACCEPTABLE. COMMISSIONERS ZITO AND LEVY ASKED FOR CLARIFICATION ON BORDER SETBACK BETWEEN RESIDENTIAL UNITS AND PARK AND WHETHER 20 FEET WAS NECESSARY AND WHETHER ONE SIDEWALK COULD SERVE BOTH PARK AND UNITS. PLANNING AND PARKS STAFF NOTED PARKS CLOSE AT SUNSET, SO SIDEWALK COULD NOT BE MAINTAINED ON THE PARK SITE, AND FURTHER THAT ULTIMATE PARK DESIGN WOULD BE WORKED OUT WITH COMMUNITY AND A DOUBLE SIDEWALK MIGHT NOT OCCUR. THE APPLICANT PROPOSED 15 FEET AS A SUFFICIENT SETBACK. COMMISSIONER ZITO MOVED RECOMMENDATION OF STAFF RECOMMENDATION INCLUDING A 20-FOOT SETBACK.

- c. The projects being considered are located on the south side of Murphy Avenue approximately 100 feet west of Deluca Drive, in the A Agriculture Zoning District on a 0.42-acre site. (Silicon Valley Habitat for Humanity, Inc., Owner/Developer). Council District 4. SNI: None. CEQA: Exempt.

1. [PDC04-085](#). Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District to allow six single-family detached residential units.

RECOMMEND APPROVAL (5-1-0-1; DHILLON ABSTAIN, JAMES ABSENT)

COMMISSIONER LEVY COMMENTED THAT THIS HOUSING PROJECT WOULD BE GOOD USE FOR A VACANT SITE, AND COMMISSIONER ZITO ALSO INDICATED IT IS GOOD TO SEE PROJECTS LIKE THIS HABITAT FOR HUMANITY PROJECT COME BEFORE THE COMMISSION AND IT WILL PROVIDE MUCH NEEDED AFFORDABLE HOUSING.

2. [PD04-069](#). Planned Development Permit for the construction of 6 single-family detached residential units.

RECOMMEND APPROVAL (5-1-0-1; DHILLON ABSTAIN, JAMES ABSENT)

SEE ITEM 4. c. 1.

3. [PT04-089](#). Planned Tentative Map Permit to reconfigure 1 parcel into 6 lots for single-family detached residential purposes.

RECOMMEND APPROVAL (5-1-0-1; DHILLON ABSTAIN, JAMES ABSENT)

SEE ITEM 4. c. 1.

- d. The items being considered are located on the north and south side of Auzerais Avenue between Sunol Street and Los Gatos Creek in San Jose on a 14.67 gross-acre site (Del Monte Corp, Owner/KB Homes, Applicant). Council District: 6. SNI: Burbank/Del Monte. CEQA: EIR Resolution to be adopted:

1. **FINAL ENVIRONMENTAL IMPACT REPORT** for the KB Home Monte Vista Residential Planned Development Zoning Project. The project proposes to demolish the existing cannery buildings on the site and construct up to 390 residential units on 12.47 acres north of Auzerais Avenue, and the conveyance of approximately 2.2 acres south of Auzerais Avenue along the west side of Los Gatos Creek to the City of San José for use as a park.

**CONTINUED APPROXIMATELY 30 DAYS TO THE FIRST
HEARING IN APRIL 2005 (6-0-1; JAMES ABSENT)**

PUBLIC TESTIMONY IDENTIFIED POSSIBLE FUTURE USE OF THE SUBJECT SITE FOR A CITY BALL PARK WITH CONCERN THE BALL PARK WAS NOT CONSIDERED IN THE DRAFT EIR, AND THAT MORE PEOPLE MIGHT HAVE ATTENDED HEARING EXCEPT FOR PRESS COVERAGE ON BALL PARK.

MICHAEL YOUMANS, VICE CHAIR OF THE HISTORIC LANDMARKS COMMISSION (HLC), STATED THAT THE DEL MONTE PLANT BUILDINGS ARE ELIGIBLE AS LANDMARKS AT THE CITY, STATE AND NATIONAL LEVEL AND AS AN ELEMENT IN A DISCONTIGUOUS DISTRICT WITH THE MARIANI PLANT AND PLANT 51, WHICH HAVE BEEN OR ARE CURRENTLY BEING REHABILITATED FOR HOUSING. HE INDICATED THE HLC SUPPORTS THE ADAPTIVE REUSE ALTERNATIVE, IS NOT OPPOSED TO HOUSING ON THE SITE, AND DOES NOT CONCUR THAT THE HISTORIC IMPACT MITIGATION MEASURES IN THE EIR ARE SUFFICIENT TO OFFSET IMPACT TO HISTORIC RESOURCES. COMMISSIONER LEVY ASKED WHICH MEASURES WERE INSUFFICIENT AND HLC VICE-CHAIR INDICATED USE OF SALVAGED BRICKS FOR WALKWAY PAVING AND A HISTORIC MONUMENT/DISPLAY ON-SITE. STAFF CLARIFIED THE DRAFT EIR CONCLUDED THE MEASURES WOULD NOT REDUCE IMPACT TO LESS-THAN-SIGNIFICANT.

ALEX MARTHEWS, EXECUTIVE DIRECTOR OF PAC SJ, NOTED THAT A WEEK PRIOR HLC SUPPORTED ADAPTIVE REUSE SCENARIO, AND INITIAL STAFF REPORT RECOMMENDED ADAPTIVE REUSE, AND THAT WITHIN THE PAST WEEK AFTER ANALYSIS OF SIGNIFICANT NEW DATA, STAFF RECOMMENDATION HAD BEEN REVISED TO SUPPORT APPLICANT'S PROPOSAL. HE COMMENTED THERE HAD BEEN INSUFFICIENT TIME FOR REVIEW OF THE NEW ECONOMIC ANALYSIS BY PAC SJ, THE LANDMARKS COMMISSION OR ANY OTHER INTERESTED PARTIES, AND ASKED THE COMMISSION TO EITHER RECOMMEND THE ADAPTIVE REUSE ALTERNATIVE OR DEFER THE ITEM TO ALLOW FOR ADDITIONAL REVIEW OF NEW INFORMATION. IN RESPONSE TO COMMISSIONER PLATTEN, MR. MARTHEWS INDICATED ONE MONTH WOULD BE AN APPROPRIATE AMOUNT OF REVIEW TIME.

JUDY HENDERSON, A PAC SJ BOARD MEMBER, EXPRESSED THAT THERE MUST BE A WAY TO SAVE THIS HISTORIC SITE, THAT THERE ARE NOT MANY HISTORIC BUILDINGS OF THIS SIGNIFICANCE LEFT IN SAN JOSE, AND THAT REUSE OF SUCH BUILDINGS IN OTHER CITIES

LIKE SAN FRANCISCO AND SEATTLE IS MORE COMMON AND THE UNITS OFTEN COMMAND HIGHER RENT. COMMISSIONER LEVY ASKED IF A HYBRID PLAN COULD BE DEVELOPED TO RETAIN SOME BUILDINGS BUT REMOVE THE BUILDING WITHIN THE RIPARIAN SETBACK, AND MR. MARTEWS RESPONDED THAT OTHER MODIFIED ADAPTIVE REUSE PLANS COULD BE POSSIBLE AND WITH ADDITIONAL TIME COULD BE REVIEWED, AND THAT PAC SJ WOULD BE OPEN TO WORKING WITH DEVELOPER TO IDENTIFY ANOTHER SOLUTION WHICH COULD REDUCE IMPACT TO HISTORIC RESOURCES TO A LESS THAN SIGNIFICANT LEVEL. STAFF CLARIFIED BUILDINGS # 2, 3, AND 4 WOULD HAVE TO BE RETAINED TO REDUCE IMPACT TO LESS THAN SIGNIFICANT LEVEL.

AREA RESIDENTS RECOMMENDED THAT STREETScape ON AUZERAIS AVENUE SHOULD HAVE MORE STOOPS AND ACTIVE USES, THAT THE TRAILHEAD FROM AUZERAIS SHOULD BE "OPENED-UP" TO FEEL MORE PUBLIC, THAT PROJECT DESIGN AND AMENITIES SHOULD REMAIN IN PLACE IF LAND SWAP OCCURS BUT BALL PARK DOESN'T HAPPEN, AND EXPRESSED DISAPPOINTMENT THAT STAFF DID NOT FIND ADAPTIVE REUSE POSSIBLE. MORE NEIGHBORHOOD INPUT OPPOSED DEMOLITION OF BUILDINGS UNTIL ACTUAL PROJECT, EITHER HOUSING OR BALL PARK IS READY TO PROCEED, COMMENTED THAT TRAIL ACCESS TO AUZERAIS SHOULD BE MAINTAINED EVEN IF THE BALL PARK GOES THROUGH ON SITE, AND AGREED A ONE MONTH DELAY FOR PUBLIC REVIEW OF NEW ECONOMIC INFORMATION WOULD BE APPROPRIATE.

THE APPLICANT STATED THERE WAS A CONSIDERABLE EFFORT TO PROVIDE ECONOMIC ANALYSIS QUICKLY, AND STATED THAT A REUSE SCENARIO IS NOT PROFITABLE AND NOT EVEN A "BREAK-EVEN" PROPOSITION. COMMISSIONER ZITO ASKED SPECIFICALLY FOR EXPLANATION ON "CONSTRUCTION SPECIFIC" ALTERNATIVE B, WHICH WAS IDENTIFIED IN ECONOMIC ANALYSIS AS LOSING \$2.6 MILLION. DEPUTY DIRECTOR HORWEDEL CLARIFIED "CONSTRUCTION SPECIFIC" ALTERNATIVE WAS AN ENHANCEMENT OF CONCEPTUAL ALTERNATIVE B IN EIR TO TRY TO MAKE IT MORE FEASIBLE. COMMISSIONER ZITO ASKED FOR CLARIFICATION THAT DEVELOPER'S PROPOSAL SAVES NONE OF THE BUILDINGS ON-SITE, AND QUERIED WHAT ADDITIONAL SALES REVENUE STREAM WOULD BE NEEDED WHEN UNITS ARE SOLD TO "BREAK EVEN." DEPUTY HORWEDEL CLARIFIED PROPOSED PROJECT REMOVED ALL BUILDINGS, EXCEPT WATER TOWER, AND THAT THE REVENUE STREAM GAP WOULD BE \$15 PER SQUARE FEET TO "ZERO OUT." COMMISSIONER ZITO COMMENTED WE SHOULD ANTICIPATE AN INCREASE IN SALES PRICES OVER 18 MONTHS RELATIVE TO CONSTRUCTION COSTS, WHICH MIGHT MEAN PROJECT COULD BREAK EVEN.

COMMISSIONER LEVY EXPRESSED CONCERN THAT 30-FOOT WIDE RIPARIAN AREA HAS INSUFFICIENT PLANTING ROOM GIVEN A 12-

FOOT TRAIL WITH A 2-FOOT BUFFER ON EACH SIDE, AND COMMENTED THE PROJECT DID NOT APPEAR TO MEET THE CITY'S RIPARIAN CORRIDOR POLICY, AND THAT SOME OF THE LANDSCAPE AREA WAS BUFFER AROUND THE WATER TANK. STAFF AND APPLICANT CLARIFIED EIR SECTION, DESCRIBING THE PLANTING PALLETTE FOR RIPARIAN SETBACK. COMMISSIONER LEVY ALSO ASKED FOR CLARIFICATION ON LIKELIHOOD OF STATION, AND APPLICANT COMMENTED STAFF HAD PROVIDED CLEAR DIRECTION BASED ON LRT STATION LOCATION AND ULTIMATE CONSTRUCTION.

DEPUTY HORWEDEL CLARIFIED THAT CEQA REQUIRES REVIEW OF REASONABLY FORSEEABLE OR PENDING PROJECTS THAT THERE IS NO BALL PARK PROJECT SO IT CANNOT BE ANALYZED AS PART OF EIR, AND NOTED THAT SAN JOSE HAS NO ABILITY TO TRANSFER DEVELOPMENT RIGHTS FROM THIS PROPERTY, AND HOUSING PROJECT ENTITLEMENTS WOULD STAY WITH THE SITE. STAFF CLARIFIED THAT ANY BALL PARK PROPOSAL WOULD NEED ADDITIONAL ENVIRONMENTAL REVIEW, THAT THE MITIGATION MEASURES FOR HISTORIC RESOURCE IMPACTS ARE NOT SUFFICIENT TO REDUCE IMPACT TO NON-SIGNIFICANT LEVEL, AND THAT BUILDING 20 IS NOT HISTORIC AND COULD BE REMOVED WITHOUT IMPACT. COMMISSIONER ZITO ASKED IF ANY NEW PROJECT, IN ADDITION TO A BALL PARK, WOULD REQUIRE A NEW EIR. STAFF CLARIFIED MOST HOUSING ALTERNATIVES HAD LIKELY BEEN ADDRESSED BY DEIR. COMMISSIONER PLATTEN STATED HE WAS TROUBLED FROM A PROCESS STANDPOINT THAT THERE HAD BEEN LITTLE TIME FOR INTERESTED PARTIES TO REVIEW NEW INFORMATION ON ADAPTIVE REUSE ALTERNATIVES, AND ALTHOUGH MAY BE INFEASIBLE HE WOULD MOVE FOR A ONE MONTH DEFERRAL.

DEPUTY HORWEDEL CLARIFIED STAFF'S SUPPLEMENTAL REPORT ADDRESSED NEW INFORMATION AND THAT MORE TIME WAS AVAILABLE PRIOR TO COUNCIL HEARING SCHEDULED FOR APRIL 5TH. COMMISSIONER PLATTEN REITERATED THAT THIS IS A SIGNIFICANT HISTORICAL SITE WITH UNIQUE HISTORIC VALUE, AND PROCEDURALLY, THE COMMISSION AND CITY WOULD BE BETTER OFF PERMITTING ALL STAKEHOLDERS ENOUGH TIME FOR REVIEW. THE CITY ATTORNEY INDICATED THERE WOULD BE TIME FOR A DEFERRAL TO THE REGULARLY SCHEDULED COMMISSION MEETING ON 3/23/05, WHICH WOULD ALLOW THE ITEM TO REMAIN ON THE 4/5/05 COUNCIL AGENDA. COMMISSIONER ZITO CONCURRED WITH COMMISSIONER PLATTEN THAT THIS SHOULD BE A GOOD PROCESS AND MORE TIME SHOULD BE ALLOWED FOR ECONOMIC ANALYSIS REVIEW. THE CITY ATTORNEY CLARIFIED THAT ECONOMIC FEASIBILITY IS NOT REQUIRED IN EIR, BUT NEEDED FOR COUNCIL APPROVAL OF THE PROJECT, AND COMMENTED THE COMMISSION COULD MAKE A RECOMMENDATION ON CERTIFICATION OF THE EIR.

THE APPLICANT INDICATED THEY UNDERSTOOD CONCERN OVER NEW INFORMATION, BUT EXPLAINED DELAY WOULD BE A PROBLEM

FOR DEVELOPMENT SCHEDULE AND ASKED FOR ACTION ON THE EIR AND PROJECT. THE APPLICANT RESPONDED TO COMMISSIONER ZITO'S QUESTION ABOUT TIME REQUIRED FOR THE ECONOMIC ANALYSIS STATING REDESIGN OF THE EIR SCENARIO TOOK 6 WEEKS BEFORE FINANCIAL ANALYSIS AND PROFORMA COULD BE DEVELOPED. COMMISSIONER LEVY COMMENTED A ONE-MONTH CONTINUANCE WOULD BE APPROPRIATE AND SUGGESTED A SCENARIO BE EXPLORED WHICH RETAINED ONLY BUILDINGS 2 AND 3, BUT NOT 4, IN THE RIPARIAN SETBACK, AND AGAIN COMMENTED THE PROJECT SHOULD MEET THE 100-FOOT SETBACK IN THE RIPARIAN POLICY. THE APPLICANT STATED A DENIAL OF THE PROJECT WOULD BE PREFERRED TO DEFERRAL, NOTING PROJECT SCHEDULE BASED ON ACHIEVING A COUNCIL HEARING ON APRIL 5TH. COMMISSIONER PLATTEN AGAIN NOTED THAT IF ONLY FOR PROCEDURAL AND PROCESS REASONS, A 30-DAY CONTINUANCE WAS APPROPRIATE.

2. [PDC03-071](#). Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 390 single-family attached residences and future public park on a 14.67 gross-acre site.

CONTINUED APPROXIMATELY 30 DAYS TO THE FIRST HEARING IN APRIL 2005 (6-0-1; JAMES ABSENT)

SEE ITEM 4. d. 1.

5. GENERAL PLAN CONSENT CALENDAR

- a. The items being considered are located at the south side of the terminus of Marburg Way, 550 feet westerly of North 33rd Street on a 3.24-acre site. (Petroni Family Partners, Owner/Scott Menard-Taylor Woodrow Homes, Applicant). Council District: 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration Pending.
1. [GP03-03-16](#): **GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Light Industrial with Mixed Industrial Overlay to Medium High Density Residential (12-25 dwelling units per acre).

RECOMMEND APPROVAL (7-0)

2. [PDC04-104](#). **Planned Development Zoning** from R-1-8 Residence and CN Commercial Neighborhood Zoning Districts to A(PD) Planned Development Zoning District to allow up to 57 single-family attached residences on a 3.23 gross acre site, located at the terminus of Marburg Way, approximately 550 feet west of North 33rd Street.

RECOMMEND APPROVAL (7-0)

6. **CONTINUE PLANNING COMMISSION HEARING ON THE 2005 WINTER
GENERAL PLAN AMENDMENTS FROM MARCH 9, 2005 TO MARCH 23, 2005**

APPROVED (6-0-1; JAMES ABSENT)

7. **PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

NONE

8. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER
AGENCIES**

9. **GOOD AND WELFARE**

- a. Report from City Council

NONE

- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).

NO MEETING

- Coyote Valley Specific Plan (Platten)

*NEXT TASK FORCE MEETING IS MONDAY, MARCH 14TH TO DISCUSS THE
EIR SCOPE*

- c. **Review of synopsis**

NO COMMENT

- d. Add hearing date and study session for Monday, May 2, 2005, to review CIP.

ADDED

10. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

| | | | |
|--------------------|-----------------------|--|------------------|
| January 12 | 5:00 p.m. - 6:00 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Meeting Logistics</i> | |
| January 12 | 6:00 p.m. | Regular Meeting | Council Chambers |
| January 26 | 6:00 p.m. | Regular Meeting | Council Chambers |
| Monday, February 7 | 4:45 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Jobs/Housing Imbalance</i> | |
| Monday, February 7 | 6:00 p.m. | Regular Meeting | Council Chambers |
| February 23 | 6:00 p.m. | Regular Meeting | Council Chambers |
| March 9 | 4:45 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of General Plan Amendments/development projects</i> | |
| March 9 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| March 23 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| April 13 | 4:45 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Alcohol sales</i> | |
| April 13 | 6:00 p.m. | Regular Meeting | Council Chambers |
| April 27 | 6:00 p.m. | Regular Meeting | Council Chambers |
| May 11 | 4:45 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i> | |
| May 11 | 6:00 p.m. | Regular Meeting | To be determined |
| May 25 | 6:00 p.m. | Regular Meeting | Council Chambers |
| June 8 | 6:00 p.m. | Regular Meeting | Council Chambers |
| June 22 | 6:00 p.m. | Regular Meeting | Council Chambers |
| July 13 | 6:00 p.m. | Regular Meeting | Council Chambers |
| July 27 | 6:00 p.m. | Regular Meeting | Council Chambers |
| August 10 | 6:00 p.m. | Regular Meeting | Council Chambers |
| August 24 | 6:00 p.m. | Regular Meeting | Council Chambers |
| September 14 | 6:00 p.m. | Regular Meeting | Council Chambers |
| September 28 | 6:00 p.m. | Regular Meeting | Council Chambers |
| October 12 | 6:00 p.m. | Regular Meeting | Council Chambers |
| October 26 | 6:00 p.m. | Regular Meeting | Council Chambers |
| November 9 | 6:00 p.m. | Regular Meeting | Council Chambers |
| November 16 | 6:00 p.m. | Regular Meeting | Council Chambers |
| December 7 | 6:00 p.m. | Regular Meeting | Council Chambers |